

**MINUTES OF CITY COUNCIL REGULAR MEETING  
CITY OF SAN MARCOS  
APRIL 3, 2012**

STATE OF TEXAS           §  
                                     §  
COUNTY OF HAYS       §

**1. Present:**

Mayor Daniel Guerrero

**Council:**

Shane Scott  
Jude Prather           \*Arrived at 5:36 p.m.  
John Thomaides  
Kim Porterfield  
Ryan Thomason  
Wayne Becak       \*Absent

**City Staff:**

James Nuse, City Manager  
Collette Jamison, Assistant City Manager  
Michael Cosentino, City Attorney  
Jamie Lee Pettijohn, City Clerk  
Tammy Cook, Deputy City Clerk

**2. Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Daniel Guerrero at 5:07 p.m. on Tuesday, April 3, 2012 in the Council Chambers of the City of San Marcos City Hall, 630 East Hopkins, San Marcos, Texas 78666.

**3. Executive Session in accordance with § 551.087 – Economic Development: to discuss the development of Class A Medical Office Space, and to deliberate possible housing and relocation incentives to induce the expansion of a business located in North Central San Marcos.**

**MOTION:** Upon a motion made by Council Member Scott and a second by Council Member Thomason the City Council voted six (6) for and zero (0) opposed, to move into executive session at 5:11 p.m. The motion carried.

**4. Consider adoption or direction to Staff on matters discussed in Executive Session.**

The Council returned into regular session at approximately 6:03 p.m. Council provided direction to Staff to move forward during the executive session.

**5. COUNCIL MEMBER UPDATES: Receive status reports and updates from the Mayor and/or Council Members and a general discussion regarding the following: Council Member Porterfield: Updates regarding Lone Star Rail, CAPCOG Executive Committee and the Youth Master Plan.**

Council Member Porterfield gave a brief update on the Lone Star Rail, CAPCOG Executive Committee and provided a presentation on the Youth Master Plan. She was assisted by Hakim Hussein and Meghan Bates.

**6. Receive a Staff Presentation regarding the City Council Initiative of “Customer Friendly Processes,” and provide direction to staff.**

Matthew Lewis, Director of Development Services, Kristy Stark, Assistant Director of Development Services, and Ron Campos, Director of Human Resources provided a brief update on customer services initiatives that have been created and implemented throughout the organization.

**7. Receive a Staff presentation regarding the Level of Service project, and provide direction to Staff.**

Jim Nuse, City Manager, provided a presentation on the Level of Service project.

**8. Invocation**

Ahmad Jundhi and Clay Chip Smith of the San Marcos Mosque provided the invocation.

**9. Pledges of Allegiance – United States and Texas**

Pledges were led by Council Member Thomaides and Council Member Porterfield

**10. 30 Minute Citizen Comment Period**

Michelle Darling, 2601 Rattler Road, addressed the Council regarding the 30 day challenge that San Marcos High School Students are doing. Students have been asked to either add or delete a thing from their life and she asked that the Council join them.

Louise Jones, 2601 Rattler Road, spoke about the 30 days challenge and how excited she is about it as well. She encouraged the Council and Community to join in.

Jason Howell, 1621 W San Antonio St, spoke in regarding to #21 and the banning of alcohol in City Parks. Feels that we shouldn't totally ban alcohol and this would be a law of unintended consequences.

Sherwood Bishop, 124 Elm Hill Court, thanked Jared Shenk for all his work he did for the community and the development process of Hillside Ranch Phase 2. He thanked the University Students that worked during Bobcat Build. He really appreciated the students and the University for all of their hard work. Also, thanked all of the Citizens that serve on various boards and commissions. Thinks it's important to allow new people to serve and get that opportunity to volunteer.

Gaylord Bose, 1926 Nevada, spoke about the investments that have been made around the community at various recreation facilities to be used by families and young children. He spoke about an encounter he had that day by coincidence with a woman that came to the park and that the amount of drinking down at the park caused her to never return with her family. He hears lots of comments about how families will not be back to enjoy the river. Asked that the Council vote their conscience tonight, and to think about making this a family orientated place.

Melissa Derrick, 109 Kathryn Cove, provided a previous map regarding a compromise to the drinking ban. She spoke about her belief of personal freedom.

Stewart Dale Spencer, 1290 Morningwood Dr, spoke about the pending alcohol ban and other measures in the ordinance. He spoke against the banning of consumption of alcohol in those city parks. Closed with quotes regarding personal freedoms, and asked that Council not approve the banning of alcohol in City Parks.

Maxfield Baker, 1012 Haynes St, spoke regarding the Student opinion about the banning of alcohol in City parks. They are concerned about the enforcement of this law and you will still need to enforce the rules we already have in regards to litter and disturbing the peace.

Jay Heibert, 209 W. Sierra Circle, asked that the City Council reconsider the Hillside Ranch Phase 2 project and to deny it. We have not received a creditable reason for why these multifamily developments.

Monica Del Rosa, 110 Lockwood St, stated that they have over 1000 signatures in regards to being against the ban. We are too focused on tourism and not on families. She stated that she was not going to shield her children from the world, and that we already have parks for children.

Lisa Marie Coppolette, 1322 Belvin St, spoke against the Parks Ordinance.

Daniel Scales, 1322 Belvin, spoke against the Parks Ordinance and the banning of alcohol in City Parks.

Greg Clayton, 212 Scott, concerned about the consumption or display of alcohol in the City parks. Feels that there is a solution to the language.

Brian Simner, 1325 Clyde St, stated that he is against the banning of alcohol in City Parks and asked the Council not approve that section of the Ordinance.

Dianne Wassenich, 11 Tanglewood, spoke regarding Items 13 & 22 and asked Council to approve those items. Regarding item #20, Hillside Ranch, she asked that Council reopen and vote no. Regarding #7 about the Level of Service and how the Citizens are concerned that they were manipulated. She cannot understand the justification of the manipulation of those numbers. She also asked for positive consideration for the Parks Ordinance.

## **CONSENT AGENDA**

**11. Consider approval of the March 20, 2012, Regular Meeting Minutes.**

**12. Consider approval of Ordinance 2012-15, on the second of two readings, amending the Electric Utility Rules and Regulations established under Chapter 86, Article 4, Section 86.166; and including procedural provisions.**

**13. Consider approval of Ordinance 2012-19, on the second of two readings, approving an amendment to the City's Land Development Code to establish a minimum period between the recommendation of the Planning and Zoning Commission regarding a Zoning Map Amendment, and consideration by the City Council of that Amendment; including procedural provisions.**

**14. Consider approval of Ordinance 2012-20, on the second of two readings, amending the City's 2011-2012 Budget to authorize the expenditure of State Asset Forfeiture Funds in the amount of \$38,416.38 to outfit new police patrol vehicles; and providing an effective date.**

**15. Consider approval of Ordinance 2012-21, on the second of two readings, amending Section 14.372 (a) of the San Marcos City Code to exempt Homeowners from the requirement to have a local Contractor's License when the owner uses other persons to perform construction work in or on the Homeowner's existing residence; including procedural provisions; and declaring an effective date.**

**16. Consider approval of Resolution 2012-22R authorizing the submission of a grant application for a Federal Emergency Management Agency ("FEMA") Department of Homeland Security Assistance to Firefighters Staffing for Adequate Fire and Emergency Response ("SAFER") Grant in the amount of \$858,732.00 for the addition of seven full-time Firefighters; authorizing the City Manager to act in all matters related to the grant application on behalf of the City; and declaring an effective date.**

**17. Consider approval of Resolution 2012-27R approving the purchase of three pickup trucks from Griffith Ford San Marcos in the total amount of \$145,676.56 for the Public Services Department, Water/Wastewater Division; authorizing the Purchasing Manager to execute the appropriate purchasing documents on behalf of the City and declaring an effective date.**

**18. Consider approval Resolution 2012-28R requesting a private sale of property described as part of Lot 8, Block 12, D.S.Combs Addition (Tax Account No. R24712) acquired by the**

**City of San Marcos, Texas in trust for itself, San Marcos Consolidated Independent School District, and Hays County, Texas at a delinquent tax sale; and declaring an effective date.**

**MOTION:** Upon a motion made by Council Member Thomaides and a second by Council Member Prather, the City Council voted six (6) for and zero (0) opposed, Council Member Becak was absent, to approve the consent agenda as presented with the exception of Item #16 and #18 which was pulled and considered separately and amending Item #17 to approve the purchase of 4 pick-up trucks instead of 3. The motion carried unanimously.

**(16) MOTION:** Upon a motion made by Council Member Thomaides and a second by Council Member Porterfield, the council voted five (5) for and one (1) Opposed, Council Member Thomaides, to approve the Resolution 2012-22R as previously captioned. The motion carries.

**(18) MOTION:** Upon a motion made by Council Member Porterfield and second by Council Member Thomaides, the City Council voted six (6) for and zero (0) opposed, to deny Resolution 2012-28R, as previously captioned. The motion carried unanimously.

**PUBLIC HEARINGS**

**19. 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2012-16 continuing Ordinance 2009-28 which established curfew hours for minors (younger than 17 years of age) under Section 54.076 et seq. of the San Marcos City Code; and declaring an effective date; and consider Ordinance 2012-16, on the second of two readings.**

Mayor Guerrero opened the public hearing at 9:27 p.m.

There being no comments, the Public Hearing was closed at 9:28 p.m.

**MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Prather, the City Council voted six (6) for and zero (0) opposed, to approve Ordinance 2012-16, as previously captioned. The motion carried unanimously.

**19.1 7:00PM Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2012-30R approving the issuance of a Luxury Limousine Service Certificate to John Boyd and Ceasar Torres d/b/a Rock Star Limo, for the provision of luxury limousine services in the city; and declaring an effective date; and consider approval of Resolution 2012-30R.**

Mayor Guerrero opened the public hearing at 9:29 p.m.

John Boyd, 139 Hopkins, asked the Council for positive consideration for his certificate.

There being no further comments, the Public Hearing was closed at 9:30 p.m.

**MOTION:** Upon a motion made by Council Member Thomaides and a second by Council Member Scott, the City Council voted six (6) for and zero (0) opposed, to approve Resolution 2012-30R, as previously captioned. The motion carried unanimously.

### **NON CONSENT AGENDA**

**20. Reconsider Ordinance 2012-13, related to the Hillside Ranch Phase Two Development, approving an amendment to the Future Land Use Map of the City from “LDR” Low Density Residential to “MDR” Medium Density Residential for 10.925 acres of land, more or less, out of the Thomas J. Chambers survey and located at 1410 North LBJ; amending the Official Zoning Map of the City by rezoning said tract of land from “SF-6” Single-Family Residential District to “PDD” Planned Development District with base zoning of “MF-12” Multiple-Family Residential District; approving Planned Development District standards for the District; including procedural provisions; and providing for penalties.**

No reconsideration

**21. Consider approval of Ordinance 2012-17, on the second of two readings, amending Chapter 58 – Public Facilities, Parks and Recreation, Article 2 – Parks, by amending Section 58.026 by amending the definitions of All-Terrain Vehicle, Weapon, and Wildlife and adding definitions for Natural Green Space and Styrofoam, adding Section 58.027 - Applicability of Park Ordinances in Natural Green Space, amending Section 58.028 – designating the office where the schedule of fees will be maintained, amending Section 58.030 – Prohibiting Disruptive Conduct, amending Section 58.031 -Care and Custody of Minor Children, amending Section 58.032 – Regulating Motor Vehicles, amending Section 58.033 -Prohibiting Display or Consumption of Alcoholic Beverages in Certain Parks, amending Section 58.035 by adding Sec. 58.035(b) -Prohibiting Smoking and Chewing Tobacco in Play Areas and Athletic Fields, amending Sec. 58.039 -Miscellaneous Rules, amending Section 58.040 – Animals, adding Section 58.041 -Authorizing the Director to Regulate Barbeque Pits, Containers or Other Cooking Appliances, adding Section 58.042 - Prohibiting Styrofoam Products, amending Chapter 58 – Public Facilities, Parks and Recreation, by amending Article 3 – Water Activities, by amending Section 58.068 - Prohibiting Possession of or Shooting Spear Guns in the San Marcos River without a permit, amending Section 58.071 -Activities on Dams, by Prohibiting the Storage, Sale, Consumption, or Display of Alcoholic Beverages on any Dam, Spillway Control, Levy, Bridge, Water Feature or Structure in the San Marcos River Owned or Operated by the City, adding Section 58.073 -Requiring the Securing of Lids and Covers to Containers; including procedural provisions; and providing penalties.**

**MOTION:** Upon a motion made by Council Member Porterfield and a second by Council Member Scott, the City Council voted six (6) for and none (0) opposed, to postpone Ordinance 2012-17, as previously captioned to allow Staff to gather information about what is working in other cities. The motion carried unanimously. **MOTION TO RECONSIDER:** Upon a motion made by Council Member Porterfield and a second by Council Member Scott, the City Council voted six (6) for and zero (0) opposed, to reconsider Ordinance 2012-17, as previously

captioned. The motion carried unanimously. **MOTION TO POSTPONE:** Upon a motion made by Council Member Thomaides and a second by Council Member Porterfield, the City Council voted six (4) for and two (2) opposed, to postpone Ordinance 2012-17, as previously captioned, and directed Staff to hold a public forum to facilitate community involvement and dialogue. The motion carried unanimously.

**22. Consider approval of Ordinance 2012-18, on the first of two readings, amending Section 1.5.1.4 of the San Marcos Land Development Code to prohibit modification of the boundaries of property described in a petition for a Zoning Map Amendment after a written protest petition requiring a super-majority vote of the City Council has been submitted; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.**

**MOTION:** Upon a motion made by Council Member Thomason and a second by Council Member Thomaides, the City Council voted six (6) for and zero (0) opposed, to approve Ordinance 2012-18, as previously captioned, The motion carried unanimously.

**23. Consider approval of Ordinance 2012-22, on the first of two readings, amending the City's 2011/2012 budget to authorize the expenditure of funds in the amount of \$50,000.00 for the remediation and demolition of unsafe structures in the City; and providing an effective date.**

**MOTION:** Upon a motion made by Council Member Scott and a second by Council Member Prather, the City Council voted six (6) for and zero (0) opposed, to approve Ordinance 2012-22, as previously captioned, The motion carried unanimously.

**24. Consider approval of Resolution 2012-29R an Economic Development Incentive Agreement between the City of San Marcos and HEB Grocery Company, L.P. pursuant to Section 1.4.4.1 of the Land Development Code that increases the impervious cover limits for the HEB Grocery Store at 641 East Hopkins Street under Section 4.1.6.1 of the Land Development Code from 83 percent to up to 87 percent of the gross area of the property; authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.**

**MOTION:** Upon a motion made by Council Member Porterfield and a second by Council Member Thomason, the City Council voted six (5) for and one (1) opposed, Council Member Thomaides, to approve Resolution 2012-29R, as previously captioned, The motion carried.

**25. Discuss and consider the appointment of a Hays County Representative to the Comprehensive Plan Steering Committee and appointments to the Comprehensive Plan Citizens' Advisory Committee, and provide direction to Staff.**

**MOTION:** Upon a motion made by Council Member Porterfield and a second by Council Member Thomason, the City Council voted six (5) for and zero (0) opposed and one (1) abstained, Council Member Prather, to appointment Debbie Gonzales-Ingalsbe to the Comprehensive Plan Steering Committee to represent Hays County, as previously captioned, The motion carried. The following appointments were made to the Comprehensive Master Plan Citizen Advisory Committee: Jim Garber, Tom Roach, Shawn Ash, David Case, Rodney Van

Ouderkerke, Debbie Harvey, Diane Wassenich, Lisa Prewitt, Nancy Moore, Jane Hughson, Rebecca Ybarra-Ramirez, Angie Ramirez, Jenny McGinty, Katie McCarty, Kevin Carswell, Jim Pendergast, Billy Windham, Anna Carbajal, Fraye Stokes, Bob Sappington, and Betsy Robertson

**26. Discuss and consider an appointment to fill a vacancy on the Human Services Advisory Board, and provide direction to Staff.**

David Ross was appointed to fill the vacancy on the Human Services Advisory Board.

**27. Discussion regarding Boards and Commissions term expiration dates in the City Code vs. current practice, and provide direction to Staff.**

Jamie Lee Pettijohn, City Clerk, provided a brief presentation. Following discussion, Council directed Staff to alter the Code to allow for nominations to be done in January, appointments be done in February and terms to start March 1<sup>st</sup> with a February 28<sup>th</sup> term expiration.

**28. Hold discussion to determine whether to adjust the fees authorized by Ordinance for Non-Consent Tows and Police Impound Tows; discuss current towing practices, and provide direction to Staff.**

**MOTION:** Upon a motion made by Council Member Porterfield and a second by Council Member Scott, the City Council voted six (6) for and zero (0) opposed, to postpone this item indefinitely, as previously captioned, The motion carried unanimously.

**29. Question and Answer Session with Press and Public. This is an opportunity for the Press and Public to ask questions related to items on this agenda.**

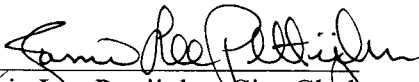
None.

**30. Adjournment.**

**MOTION:** Upon a motion made by Council Member Scott and a second by Council Member Thomason, the City Council voted six (6) for and none (0) opposed, to adjourn the regular meeting of the San Marcos City Council at 10:23 p.m. on Tuesday, April 3, 2012. The motion carried unanimously.

  
Daniel Guerrero, Mayor

Attest:

  
Jamie Lee Pettijohn, City Clerk